

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-397-T

IN RE: Petition of the Office of Regulatory Staff to)	
Rescind the Order of the Public Service)	MOTION TO RESCIND
Commission Granting a Class C (Taxi))	COMMISSION ORDER
Certificate of Public Convenience and)	NO. 2008-763
Necessity to Antonio T. Spann DBA Elite)	
Feet For Failure to Comply with)	
Commission Order No. 2008-763)	

The Office of Regulatory Staff (“ORS”) hereby moves and requests that the Public Service Commission of South Carolina (“Commission”) Rescind its Order Number 2008-763 issued in the above Docketed matter on November 13, 2008.

As stated in that Order, the Commission ruled that the Applicant Antonio Spann DBA Elite Feet (“SPANN” or “Applicant”) was to file or cause to have filed with the Office of Regulatory Staff (“ORS”) within sixty (60) days of the Order “the proper license fees, proof of liability insurance (i.e. “Form E”), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2008) of the Commission’s Rules and Regulations for Motor Carriers....”,

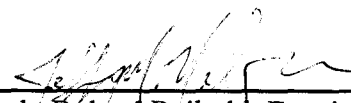
In support of this Motion, ORS would respectfully show:

1. That as of March 13, 2009, the ORS has not yet received from the Applicant SPANN a Form E, evidencing proof of liability insurance. See, Affidavit of Carole Chauvin attached hereto as Attachment A.

2. That as a result of the Applicants failure to provide the ORS with a Form E, the Applicant SPANN has not been issued a Certificate of Public Convenience and Necessity and has failed to comply with the terms of Commission Order No. 2008-763.

WHEREFORE, the ORS moves and requests that the Commission grant this Motion to Rescind Order No. 2008-763 based on the Applicant Spann's failure to comply with the terms and conditions of that Order. Further, the ORS requests that subsequent to the issuance of the Commission Order in this matter that this Docket be closed.

OFFICE OF REGULATORY STAFF



Shealy Boland Reibold, Esquire
Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, South Carolina 29201
(803) 737-0800

March 17, 2009
Columbia, South Carolina

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-397-T

IN RE: Application of Antonio T. Spann DBA Elite Fleet)
for a Class C Taxi Certificate of Public) AFFIDAVIT OF
Convenience and Necessity of Certain Motor Carriers) Carole Chauvin

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff (“ORS”) as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission (“PSC”).
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On March 13, 2009, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 and the License Decal Application Form and appropriate license decal fee as required by 26 S.C. Code Regs 103-151 (1) has not been filed with ORS by the following company as of March 13, 2009:

**Antonio T. Spann DBA
Elite Fleet
685 Burcale Road, Apt. M1
Myrtle Beach, SC 29579**

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 13th day of March, 20 09

Chrystal Morgan

Notary Public for South Carolina

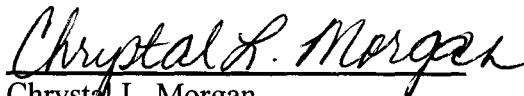
My Commission Expires: 9/22/2014

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-397-T

Application of Antonio T. Spann DBA Elite Feet)	
for a Class C (Taxi) Certificate of Public)	CERTIFICATE OF SERVICE
Convenience and Necessity for Operation)	
of Motor Vehicle Carrier)	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **MOTION TO RESCIND COMMISSION ORDER NO. 2008-763** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Antonio T. Spann, Owner
Antonio T. Spann d/b/a Elite Fleet
685 Burcale Road
Apartment M1
Myrtle Beach, SC, 29579


Chrystal L. Morgan

March 17, 2009
Columbia, South Carolina